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Chairman: Mrs. FLORES (Uruguay)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 146: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/48/33 and Corr.1, 140-S/25597, 205-S/25923, 209-S/25937, 379-S/26411, 445-S/26501 and 398)

1. Mr. HADID (Algeria) expressed appreciation to the Russian Federation for having submitted the revised version of the draft document on the improvement of the cooperation between the United Nations and regional organizations (A/48/33, para. 28) which, nevertheless, still required substantial improvements in a number of areas. Specifically, there was a lack of precision concerning the modalities for achieving the desired objectives. Some provisions were too prescriptive and must be modified so as to preserve the autonomy of regional organizations. Reference should be made to the role assigned to General Assembly by the Charter of the United Nations in the maintenance of international peace and security. The draft should focus on ways of facilitating cooperation between the United Nations and regional organizations, based on due regard for their respective spheres of competence.

2. The working paper entitled "Strengthening of the role of the Organization and enhancement of its efficiency" (A/48/33, para. 90) contained constructive proposals which should be considered more carefully, as they were consistent with the Charter and met the current concerns of the international community with regard to the democratization of the Organization and a better application of the Charter's provisions.

3. With regard to the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter, practical mechanisms should be established to assist the countries concerned.

4. The question of the maintenance of international peace and security should continue to be one of the central topics discussed by the Special Committee. Other major themes, such as the democratization of the Organization and the enhancement of its effectiveness, constituted the very essence of the proposals which the Movement of Non-Aligned Countries, including Algeria, had long supported in the Special Committee. The cold war had prevented a proper consideration of those proposals and had forced the Special Committee to confine itself to marginal topics. In the post-cold-war era, however, the Special Committee should be given a clear mandate to undertake a review of all the legal aspects relating to an increase in the membership of the Security Council and measures to improve the transparency of its functioning.

5. Mr. ORDZHONIKIDZE (Russian Federation) said that the social, economic and political costs of rebuilding the world after long years of confrontation were proving to be exceptionally serious and even dangerous. It was clear that the peacemaking efforts of the United Nations remained crucial and were becoming increasingly significant. The second generation of United Nations peace-keeping operations were not purely military, a fact which reflected the complexity of the various conflicts the Organization was dealing with. The United Nations had far from exhausted its possibilities in attempting to respond appropriately to

(Mr. Ordzhonikidze, Russian Federation)

the demands of the post-confrontational world. The role of the Charter as the constitution of the international community should be viewed in that context. Its provisions made it possible to formulate effective instruments to ensure a more stable world order, and the United Nations system could adapt to the new circumstances by developing and interpreting those provisions in a more creative way.

6. The importance of effective cooperation between the United Nations and regional organizations, attested to by General Assembly resolution 47/120 B, arose from the fact that the Organization's resources, most importantly human resources, were not unlimited. Secondly, there was no need for the Organization to become directly involved in the settlement of every conflict. In any case, regional security and cooperation processes were continuing to develop throughout the world. In the future it might be possible for the Commonwealth of Independent States to contribute to such United Nations activities, but recent events had led the Russian Federation and other States of the Commonwealth to become interested in using the Organization's authority and expertise to resolve conflict situations in the territory of the former USSR. Relations between the United Nations and the Conference on Security and Cooperation in Europe (CSCE) were of a progressive nature, for the two bodies had established specific organizational forms of joint action at various levels. Thus the draft document submitted by the Russian Federation on cooperation between the United Nations and regional organizations (A/48/33, para. 28) did not so much anticipate the future as describe current practice.

7. His delegation was sure that at the current session the General Assembly would adopt a resolution mandating the Special Committee to continue reviewing the draft document as a matter of priority. It hoped that the detailed discussion which had already taken place would speed up work on the document so that it could be finalized at the 1994 session of the Special Committee.

8. Chapter VII of the Charter, which had been invoked increasingly in recent years, required the unconditional implementation of Security Council decisions by Member States. In order for those decisions to be effective the Council had to be able to take decisive action, such as the imposition of sanctions, but that had created severe macroeconomic problems for some States. It was time to find a generally acceptable solution to the problem raised by the implementation of Article 50 of the Charter which, while not reducing the effectiveness of Security Council decisions, would not cause Member States to suffer serious economic losses.

9. The early adoption of the proposals submitted by Guatemala on the conciliation of disputes between States would expand the international legal arsenal in that area.

10. The Special Committee, whose importance would increase in the future, had a key role to play in enhancing the effectiveness of the United Nations. However, it should achieve its goals by using accepted procedures to adapt the Charter to the new situation by broadening and clarifying its sphere of application. Attempts to make radical changes in the Charter and in the structures of the United Nations itself were unacceptable and were bound to undermine the Organization's growing peacemaking potential.

(Mr. Ordzhonikidze, Russian Federation)

11. The second working paper submitted by the Russian Federation on new issues for consideration in the Special Committee (A/48/33, para. 95) was an attempt to develop little-used provisions of the Charter. He hoped that at its 1994 session the Special Committee would consider the new version of that paper to be submitted by his delegation.

12. Mr. ABDELLAH (Tunisia) said that if the United Nations was to be able to face the new political, economic and social realities of the contemporary world, consideration must be given to ways of enhancing its effectiveness. The Secretary-General's report entitled "An Agenda for Peace" (A/47/277-S/24111) constituted terms of reference in that regard. The report of the Special Committee (A/48/33) contained several proposals based on that document, including the revised draft document (ibid., para. 28) originally submitted by the Russian Federation. His country, which currently held the chairmanship of the Arab Maghreb Union, believed that regional organizations had a growing role to play in the settlement of local conflicts, especially as an early-warning mechanism. Such a role would complement that of the Security Council which, under the provisions of the Charter, had primary responsibility in that area. His delegation further believed that the strengthening of cooperation between the United Nations and regional organizations did not necessarily imply the creation of new bodies. The draft document should place greater emphasis on improving current methods of cooperation, which should be characterized by flexibility and adaptability to various situations. Mention should also be made of the logistical, technical and financial support which the Organization could provide for those organizations' peace-keeping efforts. The draft document should also refer to the role which the Charter assigned to the General Assembly with regard to the maintenance of international peace and security, a role based on the collective responsibility of States.

13. The question of the reform of the Security Council was now more relevant than ever before. The Council's functioning must be strengthened in order to enable it to cope with its increased responsibilities. Any effective reform must also ensure equitable geographical representation and the effective participation of States in United Nations peace-keeping operations. The establishment by the Council of a prior consultation mechanism which could be called into operation when coercive measures against a Member State were being discussed would contribute to the democratization of the Council. It was also important to ensure transparency in the Council's work and decision-making. Further consideration should also be given to the proposals to change the format and content of the annual report which the Council submitted to the General Assembly and to publish in the Journal of the United Nations information concerning the items on the Council's agenda.

14. The question of assistance to third States affected by the application of sanctions under Chapter VII of the Charter constituted a priority for his Government. A number of countries, including Tunisia, had made requests to the Council under Article 50 of the Charter. The results had been disappointing, owing to the lack of a proper mechanism for dealing with such requests. His Government welcomed the proposal to carry out preliminary studies of the consequences which the application of sanctions might have for the economies of third States. It also welcomed the inclusion in General Assembly resolution 47/120 B of a section dealing with that question. His delegation also noted

(Mr. Abdellah, Tunisia)

with satisfaction the Assembly's decision to request the Secretary-General to report annually on the implementation of Article 50 of the Charter.

15. Mr. POSTICA (Romania) said that the draft document on cooperation between the United Nations and regional organizations submitted by the Russian Federation (A/48/33, para. 28) was particularly timely in view of recent developments, particularly in Central and Eastern Europe. Any activity undertaken under regional arrangements must have the authorization of and be reported to the Security Council, as stipulated in Articles 53 and 54 of the Charter. There should be no competition between the United Nations and the regional arrangements; instead, they should be seen as complementary. The Special Committee should continue its work on a revised version of the draft document, which should explain more specifically what was meant by "security", bearing in mind the views put forward at the current session of the Sixth Committee.

16. The question of assistance to third States affected by the application of sanctions under Chapter VII of the Charter was one of the most important items on the Special Committee's agenda. Article 50 of the Charter did not provide that financial assistance to such States would be automatic. His own country was one of those which had been seriously affected by Security Council sanctions against another State, and his delegation felt that the matter should be pursued both by the Special Committee and by an ad hoc working group. Although the discussions in a number of United Nations agencies, as well as the recommendations adopted by the Committee established under Security Council resolution 724 (1991), offered significant moral support to the affected countries, that was not enough. His delegation hoped that serious efforts would be made to find concrete solutions to the problem and that the international financial institutions would be more receptive in that regard.

17. The Special Committee had also discussed a proposal on the matter of enhancing the effectiveness of the Security Council in regard to the maintenance of international peace and security (A/48/33, para. 93). In view of the increase in the membership of the General Assembly, it was quite reasonable to consider expanding the membership of the Security Council. In that regard, his delegation supported the idea that Germany and Japan should become permanent members of the Security Council. In addition, and bearing in mind the principle of equitable geographical representation and concern for the interests of small and medium-sized States, his delegation was in favour of adding one additional member for each regional group, including that of the Central and Eastern European States.

18. Lastly, with regard to the peaceful settlement of disputes, his delegation hoped that Guatemala would submit a revised version of its proposal at the next session of the Special Committee.

19. Mr. WOOD (United Kingdom) said that there was considerable potential for useful work by the Special Committee, provided certain conditions were met. First, the Special Committee must be selective, and not seek to address all issues of interest at the same time. Second, it should not devote time to pursuing topics on which there was little prospect of general agreement.

(Mr. Wood, United Kingdom)

20. Concern had been expressed that the Special Committee might duplicate work taking place elsewhere. He agreed that it was important not to waste resources, but felt that there could be occasions when it was useful for the same topic to be considered in different bodies, often from a somewhat different perspective. Most recently, for example, the serious theoretical study of Article 50 taken up by the Special Committee had been followed by the consideration of Article 50 in the context of the open-ended working group of the General Assembly on "An Agenda for Peace". Section IV of General Assembly resolution 47/120 B, concerning Article 50, had been the outcome of lengthy discussion within the open-ended working group, but that discussion had benefited greatly from consideration earlier in the year within the Special Committee on the Charter. On the subject of Article 50, his delegation still awaited the report of the Secretary-General requested by the Security Council in December 1992. His Government, like many others, had submitted its views to the Secretary-General in preparation for that report. It seemed clear that the idea of a trust fund to solve the problems of affected States was simply not practical. The answer to those problems would have to be found on a case-by-case basis through various institutions, including the international financial institutions.

21. Over the past two years, much time had been devoted to the draft document proposed by the Russian Federation on cooperation between the United Nations and regional organizations (A/48/33, para. 28), and the time had now come to complete work on the subject. His delegation was aware of the serious concerns that had to be addressed if a declaration was to be adopted that would command general agreement. While remaining somewhat sceptical of the usefulness of a declaration in that field, his delegation was ready to work hard to achieve general agreement. Another approach - not necessarily an alternative - might be to prepare a handbook on the subject.

22. His delegation likewise considered that the time had come to complete work on the Guatemalan proposal for conciliation rules. The main issue was to achieve the right balance between flexibility and helpful guidance. It must be made clear that the effort was directed at preparing model rules, all of which might be varied at any time by agreement among the parties. His delegation looked forward to receiving, as early as possible before the next session of the Special Committee, the revised draft rules promised by the delegation of Guatemala.

23. In its resolution 47/120 B, the General Assembly had also referred to the recommendations made by the Secretary-General in "An Agenda for Peace" concerning the International Court of Justice, saying that it would keep under examination all those recommendations, including those related to the use of the advisory competence of the Court. It was necessary to look at the picture across the board and not concentrate on particular proposals to the exclusion of others. It would, for example, be an error to concentrate exclusively on the question of advisory opinions, a matter on which the views of his delegation had not changed.

24. Lastly, referring to the debate concerning the Security Council, he drew attention to certain improvements in the Council's working methods, namely, the establishment of a working group to review documentation and procedural matters. A number of delegations had called for more "transparency" in the Council. The

(Mr. Wood, United Kingdom)

process of informal consultations, which was by no means unique to the Council, was vital if the Council was to be effective. The fact that the Council had been able so often, in recent times, to reach unanimous views on the many complex and sensitive matters that came before it was, in large measure, the result of informal consultations. Nevertheless, his delegation did take seriously the need for all Members of the United Nations to be able to follow as closely as possible the work of the Council, which was of great interest and importance to all. His delegation was ready to consider any practical suggestions in that regard.

25. Mr. SUCHARIPA (Austria) said he would like to underline the need for careful and balanced consideration to all aspects of the question as to which provisions of the Charter, if any, needed to be amended. In some cases, it might be sufficient to resort to new interpretations of existing Charter provisions.

26. As far as the composition of the Security Council was concerned, any enlargement should be limited to a small number of additional permanent and non-permanent members, and if new members were chosen, the existing ratio of permanent and non-permanent members should be preserved. Furthermore, in the choice of additional permanent members, their political, military and financial contribution to the tasks of the United Nations should be borne in mind. As the number of problems dealt with by the Security Council had increased, more and more Member States were contributing military forces to peace-keeping operations. There seemed to be a clear need to involve such contributing States in the Council's decision-making process. In the light of Article 29 of the Charter, one possible approach might be the establishment of subsidiary organs to monitor the development of the most important peace-keeping operations. Troop-contributing States could, if they so desired, be represented in such organs. In order to improve the effectiveness of its work, the Security Council should also try to consult more actively on specific conflicts with concerned States which were not members of the Security Council.

27. With regard to the matter of authorizing the Secretary-General to request advisory opinions of the International Court of Justice, his delegation had noted that General Assembly resolution 47/120 B, merely recalled the existing provision of the Charter. However, his delegation found that the idea of empowering the Secretary-General to request such advisory opinions would strengthen both the United Nations as a whole and the role of the International Court of Justice as the Organization's principal organ for the settlement of legal disputes.

28. Austria fully supported all preventive diplomacy measures and wished to stress the need to strengthen the role of the International Court of Justice in that area. Steps in that direction, such as more frequent recognition of the competence of the Court by Member States, would be preferable to and more cost-effective than the elaboration of a new convention on the peaceful settlement on disputes. Similar considerations applied to the draft rules on conciliation. While generally supporting the idea of drawing up such rules, his delegation wished to point out that progress in the peaceful settlement of disputes would depend less on the refined formulation of conciliation rules than on the willingness of States to submit their disputes to any peaceful procedure.

(Mr. Sucharipa, Austria)

29. His delegation had taken note of the discussion in the Special Committee on the broad issue of collective security and the need for cooperation between the United Nations and regional arrangements or agencies. In view of the many new developments taking place in that area, which required great flexibility, his delegation was not convinced that such cooperation should be defined in a strict manner - or that it would even be possible to do so. His delegation supported the proposal made by the President of the General Assembly to hold a meeting, under United Nations auspices, of all relevant regional organizations which might contribute to the maintenance of international peace and security. A promising development in the field of such cooperation had been the participation of a number of regional organizations as observers at the 1993 session of the Special Committee. His delegation particularly welcomed the participation of the Conference on Security and Cooperation in Europe (CSCE); it would welcome regular contacts of that kind at various levels, including contacts between various United Nations and CSCE institutions in Vienna.

30. Austria understood very well the serious economic problems of third States caused by the application of sanctions under Chapter VII of the Charter. His delegation supported the initiative to set up an ad hoc working group to examine ways and means to implement Article 50 of the Charter. Due account would have to be taken of the responsibility of the target State, which should be the first to compensate for the losses concerned.

31. Mr. ERFANI (Afghanistan) expressed appreciation for the draft document on the improvement of the cooperation between the United Nations and regional organizations (A/48/33, para. 28). At a time when the international community had embarked on a quest for new forms of cooperation in place of ideological rivalries, and international tensions were beginning to ease, the persistence of economic inequality and the resurgence of ethnic and religious conflicts remained the principal obstacles to universal peace and stability. In that context, regional organizations had an important role to play as an integral part of the collective security system provided for in the Charter of the United Nations. Cooperation between the United Nations and regional organizations should be carried out in accordance with the principles of sovereign equality and non-interference in the internal affairs of States, as well as respect for the specific mandates and spheres of competence of each organization.

32. The working papers on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter (A/48/33, paras. 98-99) raised important questions. His delegation supported the establishment of a mechanism to compensate the States concerned. Further discussion was needed in order to determine whether such assistance should be provided through a special fund, the international financial institutions or the United Nations specialized agencies.

33. Conciliation was one of the means of dispute settlement provided for in Article 33 of the Charter. His delegation expressed appreciation to Guatemala for having prepared the revised version of the draft articles entitled "United Nations rules for the conciliation of disputes between States" (A/48/33, para. 122). It was to be hoped that, at its next session, the Special Committee would approve the final version of the conciliation rules. However, during conciliation missions, the United Nations should take into consideration the

(Mr. Erfani, Afghanistan)

cultural and historic realities of the countries to which such missions were sent. United Nations conciliators could discharge their responsibilities more successfully if they were nationals of those countries.

34. His delegation supported the Secretary-General's proposal that he be authorized to request advisory opinions from the International Court of Justice.

35. Another important issue before the Special Committee was the role of the Charter as the cornerstone of the Organization and ways to increase its effectiveness. The world had seen dramatic changes in the political, economic and military spheres since the drafting of the Charter in 1945. Accordingly, his delegation believed that, in accordance with Article 109 of the Charter, a preparatory committee for a General Conference of the Members of the United Nations should be established for the purpose of discussing a possible revision of the Charter and making concrete proposals aimed at enhancing the role of the United Nations. His delegation also believed that both the permanent and non-permanent membership of the Security Council should be increased and that the question of the veto should be re-examined in all its aspects.

36. Mr. BREITENSTEIN (Finland), speaking on behalf of the Nordic countries, said that the capacity of the United Nations to meet all needs in regard to the maintenance of international peace and security had been stretched to the limit. It was therefore urgent to discuss the role of regional organizations and arrangements in conflict prevention and resolution, as well as in post-conflict peace-building. The elements contained in the working paper submitted by the Russian Federation (A/48/33, para. 28) provided a broad basis for discussing the modes and framework of cooperation between the United Nations and regional organizations. The challenge was to define modalities for regional action which would both complement and support United Nations actions aimed at preserving world peace.

37. The deliberations in the Special Committee had focused primarily on the legal aspects of cooperation between the United Nations and regional organizations, but some practical issues needed to be addressed as well. One such issue was the capacity of regional organizations and arrangements to assume a meaningful role in the preservation of peace; they should be encouraged to adopt measures to enhance their capacity to respond to current and future needs in that field.

38. The autonomous status of regional organizations should not be jeopardized. The Nordic delegations felt that flexibility should be exercised in resorting, on a case-by-case basis, to the services of regional organizations. The search for such modalities should be a collaborative two-way process, where both the United Nations and the regional organizations acted as contributors and recipients. In that regard, the participation of nine intergovernmental organizations in the deliberations of the Special Committee had been most useful.

39. The outcome of the deliberations under the item should reflect the fact that issues pertaining to peace and security could no longer been viewed solely from a military or political perspective and that the role of regional organizations and cooperation between the United Nations and such organizations

(Mr. Breitenstein, Finland)

should therefore be examined in a comprehensive way. That did not mean that the document to be adopted should cover all forms of cooperation; it should initially be a consensus text establishing practical guidelines for such cooperation.

40. The Nordic countries had followed with keen interest the debate on the implementation of Article 50 of the Charter and fully recognized the need to assist third States affected by sanctions under Chapter VII. The negative consequences could in some cases be alleviated to a certain extent through regular multi- and bilateral aid and cooperation channels. In other situations, such mitigation might require an established mechanism. In its future deliberations the Special Committee might wish to take into account additional factors, such as the need for humanitarian assistance to vulnerable populations of States upon which sanctions had been imposed, and the administration of sanctions in such a way as to cause the least possible hardship to third countries and to United Nations humanitarian activities. The Security Council and its sanctions committees should carefully consider the latter factor.

41. The Nordic countries considered that the topic of the United Nations conciliation rules had implications which went beyond the Charter, and therefore felt that when the final draft of the rules was submitted to the Special Committee it should reflect recent regional developments which were worthy of more profound study.

42. With regard to the composition and work of the Security Council, the Nordic countries considered that effective functioning of the Council must be preserved, while at the same time ensuring its legitimacy.

43. The increased interest in the Special Committee's work within the overall reassessment and reform of the United Nations was evidenced by the growing number of observers, which the Nordic countries welcomed. The Special Committee continued to be a legal tool for reviewing the functioning and development of the provisions of the Charter, and its potential contribution to the United Nations reform process should not be underestimated. The Secretary-General's report entitled "An Agenda for Peace" had identified issues which required further legal reflection and his forthcoming agenda for development could be expected to address questions to whose resolution the Special Committee might contribute.

44. The reform process needed to be kept under systematic review, and the fiftieth anniversary of the United Nations might provide an appropriate opportunity for such a review. The Nordic countries considered that the Special Committee needed to be vigilant in order to assess what was being discussed in United Nations other forums as well as the effects of such developments on the Charter itself.

45. Mr. KHARRAZI (Islamic Republic of Iran) said that the adoption of General Assembly resolution 47/62 on the re-evaluation of the Security Council's composition should be viewed in the context of the struggle to restructure and reinvigorate the United Nations to enable it to preserve and enhance the role and the credibility attributed to it following the Kuwait crisis. The Security Council did indeed need to adapt to the new circumstances of the post-cold-war

(Mr. Kharrazi, Islamic Republic of Iran)

era. The Islamic Republic of Iran was concerned by the selective approach of the Council and its double standards in dealing with cases of aggression and threats to international peace and security. It had been unable to react to all regional conflicts promptly and effectively as stipulated in Article 24 of the Charter.

46. The increase in the membership of the United Nations meant that a new balance should be found between the General Assembly and the Security Council. The Assembly was entitled to receive and consider carefully the reports of the Security Council and it could not and should not be sidelined when international peace and security were threatened. Lack of transparency in the work of the Council was another of its flaws.

47. There was therefore a strong argument for reviewing the membership of the Security Council so as to improve the way in which it functioned and bring it into line with the major characteristics of the emerging new international system, namely democracy and transparency. Any change in the composition of the Council would have to conform to criteria such as the sovereign equality of States and equitable geographical distribution. Furthermore, there should be rotation so that all peace-loving States could become members of the Council, and members of the Council should always abide by the Charter and the principles of international law. The vote of confidence by the General Assembly, as required by Article 23, paragraph 2, of the Charter, should be preserved and extended to the new members.

48. The change in the Council's composition would have to be accompanied by measures to improve its working methods and a review of its rules of procedure. The veto power, for instance, had been misused over the years and had prevented the Council from taking necessary decisions. It should therefore either be abolished and replaced by democratic decision-making procedures, or regulated in order to function as a check and balance mechanism and to prevent further misuse.

49. The future document concerning cooperation between the United Nations and regional organizations should focus on the practical aspects of such cooperation and should encourage cooperation at the regional level. It also needed to be flexible enough, in both format and content, to cover a wide range of possible cooperation between the United Nations and regional organizations.

50. Turning to the implementation of the provisions of the Charter of the United Nations related to third States affected by the application of sanctions under Chapter VII of the Charter, he noted that section IV of General Assembly resolution 120 B did not resolve that very important issue. Instead, it embodied a set of recommendations to the Security Council to devise, in consultation with international financial institutions, mechanisms to alleviate the suffering of such third States. It was to be hoped that the Security Council would implement those recommendations. However, considering the importance and urgency of the issue, the General Assembly and all its subsidiary bodies should pursue the matter until a tangible result was achieved.

(Mr. Kharrazi, Islamic Republic of Iran)

51. Lastly, his delegation wished to express its appreciation to the delegation of Guatemala for submitting a valuable proposal on the United Nations rules for the conciliation of disputes between States and for revising the draft in the light of the Special Committee's discussion on the subject. His delegation urged the Special Committee to consider and finalize the second revised version of the draft rules at its 1994 session.

52. Mr. G. MOLNAR (Hungary) said that to be effective, the United Nations must adapt to current geopolitical, economic and social realities. Reform should be undertaken gradually and structures which had proved their usefulness should be maintained. The reform process should include a review of the Charter. The obsolete distinction between signatory and "enemy" States was one aspect that could be eliminated. Another matter which required consideration was the possibility of enlarging the Security Council, by granting permanent membership to States which were qualified to take on such a role.

53. His delegation attached particular importance to implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter. The increasing number of preventive or enforcement measures provided for under Security Council resolutions had resulted in severe economic burdens for some States; those which were restructuring their economies had been especially hard hit. For the time being, neither Article 50 of the Charter nor the otherwise valuable assistance provided by international financial institutions and certain regional organizations had been sufficient to solve those special economic problems. Although well aware that other forums were addressing the issue of assistance to third States, he welcomed the two working papers on that issue submitted to the Special Committee at its 1993 session (A/48/33, paras. 98 and 99). Both papers had merit and complemented each other; the sponsors might in time find a way to combine the two documents, which would then provide a sound basis for arriving at a generally acceptable solution.

54. The draft document on the improvement of the cooperation between the United Nations and regional organizations (A/48/33, para. 28), was another timely contribution. The participation in the Special Committee's 1993 session of a number of intergovernmental organizations highlighted the significance of such cooperation. His country believed that the scope of the draft document should be limited to the maintenance of international peace and security; at the same time, it accepted the document's broad interpretation of that concept, which would allow non-military threats to be addressed. It hoped that greater emphasis would be placed on the practical modalities of cooperation and that the text could be made more flexible, giving due consideration to the diversity of existing regional organizations.

55. Hungary had consistently favoured any measures aimed at reinforcing the principle of the peaceful settlement of disputes, one of the cardinal principles of international law. It welcomed the positive changes in that area, in particular the increased willingness of States to take advantage of third-party dispute settlement mechanisms, and supported all efforts to enhance the effectiveness of the International Court of Justice. It appreciated the improvements to the draft document on the United Nations rules for the

(Mr. G. Molnar, Hungary)

conciliation of disputes between States (A/48/33, para. 122), which was more flexible and concise than the previous version. A final draft, incorporating the comments made at the Special Committee's 1993 session, would provide that Committee with a good basis for elaborating of a set of model rules at its next session.

56. Mr. MUSUKA (Zambia) said that the Special Committee should continue to address the question of enhancing the effectiveness of the United Nations so as to enable it to respond to the demands of a changing world. While the General Assembly and the International Court of Justice still had important roles to play, a critical examination of the Organization's structures should be undertaken. The Ghanaian proposal concerning an increase in the membership of the Security Council could be a starting-point for that effort.

57. His delegation noted with satisfaction that, at its previous session, the Special Committee had, for the first time, invited intergovernmental organizations to participate in the discussion of ways to improve cooperation between the United Nations and such organizations. At the same time, while coordination between the United Nations and such organizations would ensure the most effective response to a potential or actual threat to international peace and security, his delegation believed that agreements defining clearly the objectives, modalities and limits of such cooperation were essential in order to guarantee the autonomy of regional organizations. Furthermore, the relationship between the United Nations and regional organizations should be complementary, and cooperation in the maintenance of international peace and security should be carried out in accordance with the principles of the Charter, including the sovereign equality of States and non-interference in the internal affairs of States. The creation of new structures was unnecessary, as there were many such organizations and all that was required was to make them more effective.

58. His delegation fully supported the proposal to assist States economically affected by Security Council sanctions. Zambia agreed that the current system for the implementation of Article 50 of the Charter was inadequate, and supported the recommendations made by the Secretary-General in "An Agenda for Peace", namely, that the Security Council should devise a set of measures involving the financial institutions and other components of the United Nations system which could be put in place to insulate States from difficulties that might arise from the imposition of sanctions. The two working papers submitted on the topic (A/48/33, paras. 98-99) constituted a useful basis for discussion. As the proposals were complementary, it was to be hoped that they could be combined in a single document for consideration by the Special Committee.

59. It was regrettable that, once again, the Special Committee had been unable, because of time constraints, to consider the two working papers entitled "Strengthening of the role of the Organization and enhancement of its efficiency" (A/48/33, para. 90), submitted by Cuba, and "Enhancing the effectiveness of the Security Council in regard to the maintenance of international peace and security" (A/48/33, para. 93), submitted by the Socialist People's Libyan Arab Jamahiriya. It was to be hoped that those documents could be considered at the next session of the Special Committee.

(Mr. Musuka, Zambia)

60. His delegation expressed appreciation to Guatemala for having submitted a revised version of the draft articles entitled "United Nations rules for the conciliation of disputes between States" (A/48/33, para. 122). While the revised draft was more flexible and concise, there was still room for improvement, and his delegation looked forward to the submission of the final draft.

61. Lastly, while welcoming the revised working paper entitled "New issues for consideration in the Special Committee" (A/48/33, para. 95), his delegation believed that the discussion of a long-term programme of work for the Special Committee should not come at the expense of the other topics currently on the Special Committee's agenda.

62. Mr. OBEODAT (Jordan) said that the significant changes which had taken place in the world should be reflected in the structure and performance of the United Nations. The Security Council should be reorganized to represent the Organization's current membership and reflect the new concept of international security, which involved maintaining a balance between the nuclear States and was also related to economic development and interdependence. In Jordan's view, that reorganization should be based on equitable geographical representation. Although the working papers considered by the Special Committee (A/48/33, paras. 98 and 99) made no reference to the composition of the Security Council, they did indicate that the Council should be more active in dealing with States affected by the application of sanctions. As a result of the obligation to apply in full the Security Council resolutions imposing sanctions on Iraq, Jordan had lost US$ 300 million annually. A quick resolution to that situation should be found, since in effect it was Jordan and other States in a similar position which were being punished. Article 50 of the Charter should be interpreted in the light of Article 49; given the words "join" and "mutual assistance" which appeared in the latter, sufficient attention should be given to the economic problems faced by third States affected by the application of sanctions. A specific mechanism was required for the implementation of all the provisions of Chapter VII of the Charter, including Article 50, which should not hinge on the political will of the powerful States or on the capacity of international financial institutions. The aforementioned working papers formed an excellent basis for further study of the question.

63. The draft document on the improvement of cooperation between the United Nations and regional organizations (A/48/33, para. 28) also provided a fruitful basis for discussion. The cooperative relationship between the United Nations and those organizations should be flexible, taking into account the ability of the latter to tackle the question of maintaining international peace and security while still retaining their independence.

64. With regard to the peaceful settlement of disputes, it should be made clear that resolving disputes by peaceful means required the consent of the parties involved. The International Court of Justice had an important role to play in that respect; all States, as well as the United Nations and its various agencies, should seek advisory opinions from the Court with a view to strengthening the rule of international law.

65. Mr. HYON (Democratic People's Republic of Korea) said that given the current global situation, the outmoded legacies of the cold war should be discarded as rapidly as possible. The United Nations had to take a leading role in a changed world and that implied the establishment of a more democratic United Nations structure, based on the principles of respect for independence, equality and impartiality, and equal rights and obligations for all Member States. The privileges of the few could no longer be maintained: such a hierarchy failed to reflect international events. Democratization was one of the basic means of strengthening the role of the Organization in the maintenance of international peace and security.

66. Also of vital importance was the reorganization and coordination of the relations between the General Assembly, the Security Council and the Secretary-General. The supreme authority of the General Assembly in the maintenance of international peace and security should be enhanced. The Security Council's practices should be reviewed. Having shrouded its deliberations and decision-making in secrecy in the past, the Council had to make its procedures more transparent; it must be accountable to the general membership of the Organization and keep it informed of its activities; and it had to be impartial in its decisions and their implementation. Only in that way could the Council maintain its credibility.

67. Particular attention should be paid to reviewing the composition of the Council's permanent membership, which should be adjusted to reflect the Organization's growing membership as well as new international realities. The majority of Member States were developing countries and should accordingly have the opportunity to become permanent members of the Security Council, on the basis of equitable geographical representation. However, any country that failed to repent for acts of aggression and war crimes committed during the Second World War should not be considered for permanent membership; in that connection, Japan must make sincere apologies for its crimes against humankind and make full compensation for the suffering it had inflicted.

68. Ms. McDONALD (New Zealand) said that her country, which had been a member of the Special Committee since its re-establishment in 1975, considered it vital that the Organization should have a body to keep under review its Charter and the procedures under which it operated. The Special Committee could take justifiable satisfaction in its many achievements in the areas of the maintenance of international peace and security and dispute settlement. However, it had been largely unable to address subjects which were directed at the heart of its mandate, namely, proposals to amend the Charter itself, in particular those relating to the operation of the Security Council, which had been of particular significance at a time when the Council had been unable to discharge its responsibilities effectively.

69. In the aftermath of the cold war, the Security Council had become a more effective organ, more capable of acting in accordance with the intentions of the Charter and better equipped to face the new challenges confronting the United Nations. Its permanent members were engaged in cooperative efforts rather than confrontation. The veto power was almost never used, although its very existence affected the Council's deliberations and its potential use could not be discounted.

(Ms. McDonald, New Zealand)

70. The reinvigoration of the Security Council, its new prominence in dealing with major political issues and the increase in the Organization's membership had prompted calls for a review of the Council's membership, reflected in the adoption of General Assembly resolution 47/62, seeking the views of Member States on that issue. Her country believed that some future expansion of the Council's membership was necessary so that it would properly reflect current realities; at the same time, the Council must remain small enough to play an effective role in the maintenance of international peace and security.

71. Attention should also be paid to the manner in which the Security Council functioned, in particular how it interacted with other Member States whose interests might be affected by the matter under discussion. New Zealand welcomed the small changes that had been introduced, which allowed for informal discussions between the Council and interested States which were not members of that organ. More could be done in that respect and, generally speaking, the Council needed to introduce greater transparency into its operations.

72. Her delegation welcomed the participation and constructive contributions of intergovernmental organizations, including the South-Pacific Forum, of which New Zealand was a member, at the Special Committee's 1993 session during the discussions on cooperation between the United Nations and regional organizations. It was to be hoped that regional groups would in future continue to participate in the Special Committee's work.

73. One fundamental point that had emerged from those discussions was that a general principle for cooperation could not be formulated; rather, cooperation had to be flexible and tailored to suit the requirements of the particular situation. Ample proof was provided by a number of specific arrangements existing between the United Nations and regional organizations, including that with the Economic Community of West African States (ECOWAS) in Liberia where, for the first time, a United Nations force would be part of a peace-keeping operation provided by a regional organization; and the role played by the Organization of African Unity in various African States.

74. Collective arrangements for the maintenance of international peace and security carried with them financial implications for all Member States. Her delegation recognized the economic difficulties faced by some States as a result of the implementation of certain Security Council resolutions and took note of the working papers related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter (A/48/33, paras. 98 and 99). Nevertheless, it believed that it would be difficult to devise a mechanism of general or automatic application for situations that could, in reality, only be addressed on a case-by-case basis. General Assembly resolutions 47/120 A and 47/120 B provided a framework for further work on the issue.

75. The United Nations rules for the conciliation of disputes between States (A/48/33, para. 122), when approved, would become part of the substantial body of international instruments on the peaceful settlement of disputes. The Special Committee should, therefore, concentrate on promoting the use of existing procedures and institutions rather than on elaborating new instruments.

(Ms. McDonald, New Zealand)

76. As a nation committed to the rule of law, New Zealand was particularly interested in enhancing the role of the International Court of Justice and considered that the issue merited particular consideration by the Special Committee. Her delegation supported the proposals to that end outlined in "An Agenda for Peace" and, in addition, had contributed to the Trust Fund established by the Secretary-General to assist States in resolving their disputes through the Court. It endorsed the call for States to accept the jurisdiction of the Court and supported the proposal that the Secretary-General should be authorized to seek advisory opinions from the Court. The explanation provided to the Special Committee in 1992 by the Legal Counsel had greatly helped to clarify that proposal.

77. Mr. NEGA (Ethiopia) said that a number of recent events had a direct bearing on the work of the Special Committee, including the adoption by the General Assembly in September 1993 of resolution 47/120 B and discussions in various forums on strengthening the role of the United Nations, the composition of the Security Council, the Council's relationship with the General Assembly and the implementation of Article 50 of the Charter. The Special Committee thus needed to make even greater efforts to fulfil the terms of its mandate.

78. The end of the cold war and the beginning of a new era of cooperation had made the issue of strengthening the role of the Organization a common concern of all its Member States. Not only the Special Committee but many other United Nations forums were considering that topic. While the widespread recognition of the need for reform was certainly welcome, such efforts must be coordinated, a role for which the Special Committee was particularly suited. With that new role should come an increase in the Special Committee's membership.

79. His delegation welcomed the progress made on the draft document on the improvement of the cooperation between the United Nations and regional organizations (A/48/33, para. 28). In that connection, the General Assembly, in its resolution 47/120 B, had emphasized the importance of the role of regional organizations in dealing with matters relating to the maintenance of international peace and security and the need to enhance cooperation between such organizations and the United Nations. The Security Council had also acknowledged the positive role that could be played by regional organizations in the maintenance of international peace and security.

80. The issue of improving cooperation between the United Nations and regional organizations was timely. Conflict resolution depended in part on the cooperation of regional groups. Moreover, regional economic cooperation and integration helped to ensure peace, stability and development. Chapter VIII of the Charter provided the framework for such cooperation. At the same time, cooperative efforts that had begun after the adoption of the Charter should also be kept in mind and, in that regard, particular attention should be paid to ways in which the United Nations might assist regional organizations in building and strengthening their capacity to deter any threats to international peace and security as well as their capacity to act as instruments of development and economic cooperation. Cooperation between the United Nations and regional organizations should not result in the domination of one over the other: the distinct characteristics and autonomy of regional organizations must be fully

(Mr. Nega, Ethiopia)

respected. Cooperation should not be viewed merely as a form of decentralization but rather as an act of complementarity and mutual assistance.

81. The Organization of African Unity (OAU) was one of the regional organizations which was endeavouring to develop mechanisms for the peaceful resolution of conflicts and for promoting economic cooperation. At its twenty-ninth summit meeting, held in June 1993, OAU had set up a mechanism for preventing, managing and resolving conflicts in Africa; under that system, which would be made operational as rapidly as possible, OAU planned to cooperate with the United Nations with regard to peacemaking and peace-keeping and, when necessary, intended to seek from the Organization financial, logistical and military support for OAU activities in conflict prevention, management and resolution in Africa, in keeping with the provisions of Chapter VIII of the Charter. OAU hoped that the United Nations would help make the new mechanism operational and effective.

82. His delegation applauded the progress made at the Special Committee's 1993 session on the draft United Nations rules for the conciliation of disputes between States (A/48/33, para. 122). It welcomed Guatemala's offer to prepare and submit, at the earliest possible date, a final draft of the rules for consideration at the Special Committee's next session.

83. Her delegation had noted the two working papers on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter (A/48/33, paras. 98 and 99). He recalled also that in resolution 47/120 B, the General Assembly had decided to continue its examination of ways to implement Article 50 of the Charter and had made recommendations on that matter to the Security Council and the Secretary-General. Resolving the difficulties faced by third countries affected by the application of sanctions was an urgent matter. There was also, in that regard, a need for coordination between the United Nations organs concerned, in particular the General Assembly and the Security Council.

84. The Special Committee should give priority consideration to the working paper submitted by Cuba entitled "Strengthening of the role of the Organization and enhancement of its efficiency" (A/48/33, para. 90), in particular to questions relating to the mandate of the General Assembly, the composition of the Security Council and the relationship between those two organs. The Special Committee was the most appropriate forum for dealing with those matters and should, accordingly, allocate sufficient time to them at its next session.

The meeting rose at 1 p.m.